

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

EDWARD M. GILBERT,

Petitioner,

vs.

DON HELLING, et al.,

Respondents.

3:06-cv-00027-LRH-RAM

ORDER

This habeas action under 28 U.S.C. § 2254 having come before the Court on the petitioner's motion (#22) for partial dismissal, which seeks dismissal of his unexhausted claims,

IT IS ORDERED that the motion (#22) for partial dismissal is GRANTED and that all claims in this matter are hereby DISMISSED without prejudice, except for the following claims, which remain before the Court: (a) Grounds 4, 6, 7(a), and 7(b); and (b) Ground 12 only to the extent that petitioner claims: (1) that counsel was ineffective at trial for failing to renew the motion to gain access to the victim's juvenile record; and (2) that counsel was ineffective at trial and on appeal for failing to challenge the convictions on the basis of perjured testimony.

IT FURTHER IS ORDERED that respondents shall have thirty (30) days from entry of this order within which to answer, or otherwise respond to, the remaining claims in the petition identified in the preceding paragraph. If an answer is filed, respondents shall comply with Rule 5 of the Rules Governing Section 2254 Cases to the extent that further state court record materials are required.

1 IT FURTHER IS ORDERED that petitioner shall have thirty (30) days from service of the  
2 response within which to mail a reply or opposition for filing.

3 DATED this 26<sup>th</sup> day of March, 2007.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



---

LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE